

### **REMARKS**

Claims 1-28 are now pending in the application. Minor amendments have been made to claim 25 to simply correct a typographical error. Claims 1 and 12 have been amended. Support for the claim amendments can be found in the written description, drawings, and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 101**

Claims 1-11 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. This rejection has been accommodated by amending claim 1 to recite that the system is recorded on a computer-readable medium. Claims 2-11 ultimately depend from claim 1 and are therefore statutory subject matter for at least similar reasons.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-5 and 7-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shah (U.S. Pat. No. 6,129,273) in view of Elischer (U.S. Pat. No. 5,040,226). This rejection is respectfully traversed.

Neither Shah or Elischer, alone or in combination, shows, teaches, or suggests “a balancing module adapted to determine whether the transaction is balanced at the point of presentment based on the amount of monetary value,” as recited by amended claim 1.

As the Examiner has recognized, Shah is silent with respect to determining whether the transaction is balanced. This is consistent with the fact that Shah is directed to a simple check cashing machine instead of a system capable of handling more complex financial transactions.

Elischer describes “a balancing operation, in which... the sum of the individual checks is compared with the total on the deposit slip.” Col. 1, lines 39-43. However, this balancing operation occurs after the depositor has left the point of presentment. For example, see col. 1, line 35: “When the bank later processes the deposit....” This later processing is performed by computer, and errors are corrected by data entry clerks. See, for example, col. 5, lines 46-48: “Display and key entry module 36 is used by a key operator to view displayed images and/or keyed data for reconciliation of unbalanced transactions.”

Neither Shah or Elischer suggest the combination proposed by the Examiner. Moreover, even if such a combination were recognized, it would not yield the claimed subject matter. Instead, the proposed combination described by the Examiner yields a batch processing systems (and method) in which unvalidated items and/or unbalanced transactions must be taken out of the routine back office workflow to be separately corrected and processed.

This art was recognized by Applicants. “[F]inancial institution branches typically assemble and process items long after the party to the transaction has departed the point of presentment. As a result, unbalanced and/or invalid transactions are discovered late, without affording the party to the transaction or teller at the point of presentment an opportunity to correct or otherwise balance the transaction.” Paragraph [0003] of

Applicants' specification. By contrast, according to claim 1, the transaction is balanced at the point of presentment and within the routine workflow of the banking transaction. This allows "items [to] be returned to the party to the transaction at the point of presentment for correction immediately." Paragraph [0015] of Applicants' specification.

For at least these reasons, Applicants respectfully submit that claim 1 defines over the art of record. Claim 12 recites "balancing the transaction at the point of presentment... before terminating communication with the customer at the point of presentment," and is therefore in condition for allowance for at least similar reasons as claim 1. Claims 2-5, 7-11, and 13-24 ultimately depend from claims 1 or 12 and are therefore in condition for allowance for at least similar reasons.

Claims 25-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shah and Elischer in view of Hamaguchi (U.S. Pat. No. 4,734,859). This rejection is respectfully traversed. Hamaguchi does not correct the deficiencies of Shah and Elischer with respect to claim 12. Claims 25-28 ultimately depend from claim 12 and are therefore in condition for allowance for at least similar reasons.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shah and Elischer in view of Murakami (U.S. Pub. No. 2001/0017709). This rejection is respectfully traversed. Murakami does not correct the deficiencies of Shah and Elischer with respect to claim 1. Claim 6 ultimately depends from claim 1 and is therefore in condition for allowance for at least similar reasons.

## **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

/Michael R. Nye/

Dated: December 23, 2008

By: \_\_\_\_\_  
David A. McClaughry  
Reg. No. 37,885

Michael R. Nye  
Reg. No. 62,126

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

DAM/MRN/mea